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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,136	11/18/2003	Sundaram Ramani	MFCP.110234	1912
45809 7590 08/19/2009 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				
EXAMINER				
DAO, THUY CHAN				
ART UNIT		PAPER NUMBER		
2192				
MAIL DATE		DELIVERY MODE		
08/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,136

Applicant(s)

RAMANI ET AL.

Examiner

Thuy Dao

Art Unit

2192

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11-14, 16, 17, 20-22, 24-26, 28-30 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-14, 16, 17, 20-22, 24-26, 28-30 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/18/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on May 26, 2009 has been entered.

2. Claims 1-4, 6-9, 11-14, 16, 17, 20-22, 24-26, 28-30, and 33 have been examined.

As an initial matter, on August 7th and 11th, 2009, examiner contacted Mr. Hankel (Reg. No. 60, 663) to resolve 35 UCS 112 issues and indicate allowable subject matter in independent claims 1, 17, and 26. No reply has been received, thus, prompts this Office action.

Because of the outstanding 35 USC 112 issues have not been resolved, all pending claims 1-4, 6-9, 11-14, 16, 17, 20-22, 24-26, 28-30, and 33 are rejected as set forth in details below.

Response to Amendments

3. In the instant amendment, claims 1, 9, 17, and 26 have been amended; claims 5, 18, 19, 23, 27, 31, and 32 have been canceled.
4. The objection to claim 9 is withdrawn in view of Applicant's amendments.

Response to Arguments

5. Applicants' arguments regarding claims 9, 11-14, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC §112, second paragraph

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4, 6-8, 16, 17, 20-22, 24-26, 28-30, and 33 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

Claim 1 recites the limitation "the code in the at least one C# file" in line 9. There is insufficient antecedent basis for this limitation "the code" in the claim.

Claim 6:

Claim 6 recites the limitation "the code-behind file" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-4 and 6-8:

Claims 2-4 and 6-8 are also rejected based on virtue of their dependencies on the rejected base claim 1.

Claim 16:

Claim 16 recites the limitation "the code-behind file" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17:

Claim 17 recites the limitation "the markup language file" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 20-22, 24, and 25:

Claims 20-22, 24, and 25 are also rejected based on virtue of their dependencies on the rejected base claim 17.

Claim 26:

Claim 26 recites the limitation "the markup language file" in lines 7, 11, 13, 16, and 21. There is insufficient antecedent basis for this limitation in the claim.

Claims 28-30 and 33:

Claims 28-30 and 33 are also rejected based on virtue of their dependencies on the rejected base claim 26.

Claim Rejections – 35 USC §103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9, 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (art of record, US Patent Publication No. 2004/0015840 A1) in view of Bhansali (art of record, US Patent Publication No. 2002/0169999 A1) and US Patent Publication No. 2003/0233397 A1 to Katz et al. (art made of record, hereafter "Katz").

Claim 9:

Walker discloses *a compiling system embodied on a computer readable storage medium for compiling a markup language file into an executable application, the compiling system comprising:*

a parser for parsing the markup language file (e.g., FIG. 5, blocks 505-515 and related text, [0002], [0020]) and

providing the compiling system with detailed token information including non-code token information to the compiling system (e.g., page 2, an XML representation of a book store with tags, property/attributes, [0022]-[00023]),

wherein the markup language file is associated with at least one file (e.g., [0079]-[0088]; [0004], application programming interfaces (API) files associated with the XML file for converting between Java classes and said XML file; [0036]-[0038], XmlReaderWriter interface file);

a binary file generator for generating a binary file from non-code token information, wherein the binary file contains one record for each non-code token (e.g., [0088]);

a code generator for generating a language-independent code expression that represents the markup language file as a class (e.g., page 2-3, Java class of book store, [0024]-[0028]); and

an application generator for compiling the code files into an executable application (e.g., [0105]-[0118]; [0019]-[0021], using a Java compiler to compile "book store" classes to create a "book store" executable application).

Walker does not explicitly *generating a language-independent tree of code expressions.*

However, in an analogous art, Bhansali further discloses:

code expressions as a class generating a language-independent tree of code expressions (e.g., FIG. 9, code expressions as Input Stream 900, [0115]-[0117], [0121]-[0124]);

determining an appropriate code provider for generating code in an appropriate language in response to the language-independent tree of code expressions (e.g., [0018], [0115], and [0121]-[0124]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Bhansali's teaching into Walker's teaching. One would have been motivated to do so to translate a program into intermediate language code representation and into multiple a subsequent language code as suggested by Walker (e.g., [0017], [0020]-[0025]).

Neither Walker nor Bhansali explicitly discloses the compiling system, *the markup language file is associated with at least one C# file.*

However, in an analogous art, Katz further discloses *the markup language file is associated with at least one C# file* (e.g., [0092]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Katz's teaching into Walker and Bhansali's teaching. One would have been motivated to do so to define a specific service structure for a valid standard XML message as suggested by Katz (e.g., [0092]-[0093]).

Claim 11:

The rejection of claim 9 is incorporated. Walker discloses *the application generator combines the binary files into a single resource* (e.g., [0098]-[0114])

Claim 12:

The rejection of claim 9 is incorporated. Walker discloses *the detailed token information comprises a tag* (e.g., [0078]-[0092]).

Claim 13:

The rejection of claim 9 is incorporated. Walker discloses *the detailed token information comprises a property or event* (e.g., [0044]-[0056]).

Claim 14:

The rejection of claim 9 is incorporated. Walker discloses *the detailed token information comprises a user code snippet* (e.g., [0061]-[0072]).

Claim 16:

The rejection of claim 9 is incorporated. Walker discloses *the compiling system is configured to compile the markup language file and the code-behind file* (e.g., [0016]-[0024]).

10. As pointed out by the Applicants, the prior art of record (Walker and Bhansali) does not teach:

"...a code generator for generating a language-independent tree of code expressions based on the token information, wherein the code generator receives the code in the at least one C# file inside the markup language file, and wherein the code expressions represent the markup file as a class;" (independent claim 1, lines 7-10 and Remarks, pp. 9-11, emphasis added);

"...parsing the markup language file into tokens and providing a compiling system with detailed information about the parsed tokens, the detailed information including inline code from the associated C# file; receiving a command to create an intermediate language application;" (independent claim 17, lines 6-9 and Remarks, pp. 9-13, emphasis added); and

"...receiving at least one code-behind file, wherein the at least one code-behind file contains a user code snippet and is associated with the received markup language file; parsing the markup language file into tokens and providing a compiling system with detailed token information, wherein the detailed token information includes non-code token information; receiving a command to create an application or library containing a binary tokenized representation of the markup language file; in response to receiving the command to create an application or library containing a binary tokenized representation of the markup language file, generating a binary file from the non-code token information, wherein the binary file contains one record for each non-code token;" (independent claim 26, lines 4-15 and Remarks, pp. 13-14, emphasis added).

11. Accordingly, claims 1-4, 6-8, 17, 20-22, 24-26, 28-30, and 33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth above in this Office action.

12. Accordingly, claims 9, 11-14, and 16 would be allowable if rewritten or amended to incorporate allowable subject matter in independent claims 1, 17, and/or 26 into independent claim 9.

Conclusion

13. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Twee Dao/
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192